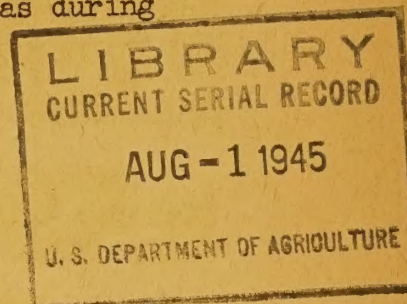


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UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT AGENCYCOUNTY OFFICE INSTRUCTIONS - TOBACCO MARKETING QUOTAS
1945-46 MARKETING YEAR

County committees have the following responsibilities in connection with Burley and flue-cured tobacco marketing quotas during the 1945-46 marketing year:

1. Determination of 1945 harvested acreage.
2. Determination of 1945 estimated production.
3. Preparation of listing sheets.
4. Checking of tobacco disposed of without marketing.
5. Issuance and delivery of marketing cards and reporting their loss, destruction, theft or alteration.
6. Preparation of marketing quota files.
7. Determination of production and actual yields.
8. Checking indicated violations.
9. Preparation of applications for refund of excess penalties.

I. DETERMINATION OF 1945 HARVESTED ACREAGE

The county committee shall determine the acreage of tobacco harvested on each farm in the county. The acreage reported and approved on form Tobacco 918 shall be considered the harvested acreage unless the farm operator furnishes proof satisfactory to the county committee that he is unable to market a portion of his planted acreage. No marketing card, except a 100 percent excess card, shall be issued for a farm until the harvested acreage has been determined.

II. DETERMINATION OF 1945 ESTIMATED PRODUCTION

The county committee shall determine the estimated production for each farm for which an excess marketing card is to be issued. Such estimate should be made by a county or community committeeman. The person estimating the production shall, when possible, obtain the operator's concurrence in such estimated production. The farm operator shall be advised by letter that he will be required to furnish proof of the disposition of the estimated production for the farm and that no credit will be given for any excess tobacco disposed of in any manner other than that properly identified by memoranda of sale, unless such disposition is approved by the county committee.

III. PREPARATION OF LISTING SHEETS

Form Tobacco 914, prepared in accordance with the instructions in Tobacco 917, will be used in connection with the issuance of marketing cards and for recording production and sales data. Data have been entered in columns (1) through (6) and column (15) of this form for each farm in the county for which a tobacco allotment was established in 1945. Data shall also be entered in columns (1), (2) and (6) for each farm on which tobacco is planted but for which no allotment was established in 1945.

Entries for all farms shall be made in columns (7), (8), (13), (14) and (16) before the delivery of marketing cards to farm operators. These entries shall be made as follows:

- (1) Enter in column (7) the acreage approved on Tobacco 918. If a portion of the planted acreage is not harvested, the entry in column (7) shall be deleted and there shall be entered therein the result obtained by subtracting the acreage not harvested from the acreage reported. If the disposition of any tobacco other than by marketing is approved by the county committee prior to the issuance of a marketing card for the farm, the tobacco disposed of shall be converted to an acreage figure on the basis of the estimated actual yield for the farm, and the entry in column (7) shall be deleted and there shall be entered therein the result obtained by subtracting the acreage disposed of from the acreage reported.
- (2) Enter in column (8) the serial number of the marketing card issued for the farm. Within quota marketing cards (Tobacco 920) shall be assigned to farms in numerical sequence, except for those farms for which the entry in column (7) has been circled as hereinafter provided. Excess marketing cards (Tobacco 921) will be assigned to farms as they are issued. For farms receiving more than one marketing card, a supplemental listing sheet appropriately designated, shall be prepared listing in column (8), in numerical sequence, the marketing card serial numbers. The only other information to be shown on the supplemental listing sheet will be the farm serial number and name of farm operator.
- (3) Where the entry in column (7) is greater than the entry in column (6), enter in column (13) the difference between the entry in column (6) and the entry in column (7).
- (4) Enter in column (14) the result obtained by dividing the entry in column (13) by the entry in column (7). If tobacco carried over from a prior marketing year is involved, this entry will be determined in accordance with the provisions of Tobacco 913 - Part II. The percentage

shall be expressed as a whole percentage and fractions shall be disregarded, except that in cases where the percentage computed is less than one percent, the percent shall be expressed in tenths of a percent, disregarding any figures more than one place to the right of the decimal. For instance, if 15.8 percent is computed the percent to be entered in this column shall be 15.0 percent, or if 0.86 percent is computed the percent to be entered shall be 0.8 percent.

- (5) Enter in column (16) the estimated production determined in accordance with Section II of these instructions.

The entry in column (7) shall be circled with a red pencil for each of the following farms:

- (1) Where the entry in column (7) is zero.
- (2) Where the entry in column (7) is greater than the entry in column (6).
- (3) Where the farm is operated by a person who operates another farm where the entry in column (7) is greater than the entry in column (6).
- (4) Where the county committee has reason to believe that an excess marketing card should be issued in order to protect the interest of the Government due to the relationships of persons having an interest in the tobacco with producers on other farms for which excess marketing cards are issued.

No marketing card shall be issued to farms included in item (1) above unless the farm has tobacco available for marketing which has been carried over from a prior marketing year. An excess marketing card shall be issued for each farm included in items (2), (3) and (4).

If the official notice of the farm acreage allotment issued for any farm was erroneous in that it was larger than the allotment intended to be issued and the error was of such a nature that the operator could not reasonably have been expected to discover it before planting was completed on the farm and the operator, relying solely upon such notice and acting in good faith, planted an acreage of tobacco in excess of the acreage allotment for the farm but not in excess of the acreage shown on the erroneous notice, the allotment shown on the erroneous notice shall be used for all purposes in connection with the tobacco marketing quota program for the 1945-46 marketing year.

If the records or information of the county committee indicate that any person having an interest in the tobacco produced on any farm on which the harvested acreage exceeds the allotment also has an interest in the tobacco produced on a farm in another county, the county committee in such other county shall be promptly notified in order that excess marketing cards may be issued for the farms in that county.

IV. CHECKING OF TOBACCO DISPOSED OF WITHOUT MARKETING

Disposition of excess tobacco other than by marketing such tobacco subject to penalty shall be made only by one of the following methods and shall be subject to approval by the county committee:

(a) A penalty of 10 cents a pound on the tobacco produced in excess of the farm marketing quota is remitted to the office of the county committee by draft, check, or money order drawn payable to the Treasurer of the United States prior to the issuance of the marketing card and prior to the marketing of any tobacco from the farm. The amount of penalty due shall be computed by multiplying the estimated production shown in column (16) of form Tobacco 914 by the percent excess shown in column (14) and the result by 10 cents a pound. The amount of any penalty paid under this provision shall be entered on the marketing quota file for the farm and the remittance shall be forwarded promptly to the State office together with the necessary information to identify it.

(b) Excess tobacco, which is representative of the entire crop available for marketing from the farm, is stored and a bond in the penal sum of twice the amount of the penalty which will become due upon the marketing of such tobacco is approved by the county committee and the Chairman of the State Committee or the Administrative Officer in charge.

(c) Proof satisfactory to the county committee is furnished showing that excess tobacco, which is representative of the entire crop available for marketing from the farm is unfit for marketing.

The disposition of any tobacco approved under subsection (b) or (c) will be entered as "Pounds not marketed" on the marketing quota file for the farm.

V. ISSUANCE AND DELIVERY OF MARKETING CARDS AND REPORTING THEIR LOSS, DESTRUCTION, THEFT OR ALTERATION

Marketing cards shall be issued in accordance with Sections 725.130, 725.131, 725.132, 725.133 and 725.134 of the marketing quota regulations (Tobacco 913 - Part II). Each marketing card shall be carefully checked in the county office to see that no errors or omissions occurred in printing the card.

Each county committee shall designate one person to sign marketing cards for the farms in the county as issuing officer. Each marketing card shall be signed as required by Section 725.131 of the regulations prior to its delivery. It shall be the responsibility of each county association treasurer to account for all marketing cards.

If all memoranda of sale in a card are used and the operator returns the card and requests another, a new card may be issued. There shall be entered on the inside of the front cover the words "Brought forward" and the figure representing the total pounds sold on the previous marketing card(s).

a. Within quota marketing cards. The following entries shall be made in spaces provided on each form Tobacco 920 before it is delivered:

- (1) The name and address of the farm operator.
- (2) The entry in column (7) of Tobacco 914.
- (3) On each memorandum of sale and on the back cover, the name and address of the county association and the farm serial number.
- (4) The signature of the issuing officer.

b. Excess marketing cards. The following entries shall be made in the spaces provided on each form Tobacco 921 before it is delivered:

- (1) On the front cover of the marketing card, the name and address of the farm operator and on each memorandum of sale, the name of the operator.
- (2) The entries in columns (6) and (7) of Tobacco 914.
- (3) The estimated production from column (16), form Tobacco 914.
- (4) On the inside of the front cover of the card, shown in both figures and words, the percent excess from column (14), form Tobacco 914. The percent excess, in figures, shall be entered on both the purchaser's copy and the county office copy of each memorandum of sale.
- (5) On both the purchaser's copy and the county office copy of each memorandum of sale, and on the back cover of the card, the name and address of the county association and the farm serial number.

c. If any marketing card is reported lost, destroyed, stolen, or altered, the county committee shall immediately notify the State office of the serial number of the marketing card, the name of the farm operator and the farm serial number. If any marketing card which was reported as lost, destroyed, stolen, or altered is later received by the office of the county committee, the county committee shall immediately notify the State office of the receipt of such card.

VI. PREPARATION OF MARKETING QUOTA FILES

The county committee shall have prepared a 4-1/8" x 9-1/2" envelope, sealed and open at one end, as a file for the marketing card and memoranda for each farm. On the envelope should be entered the following:

- (1) Farm serial number.
- (2) Name of farm operator.
- (3) Serial numbers of other farms in which the producers are interested in the production of tobacco.
- (4) Amount of penalty paid in advance of issuance of marketing card.
- (5) Any additional information which the State committee considers necessary.

Executed memoranda received from the State office shall be filed in the envelope as received. At the end of the season, the marketing card returned by the producer shall also be placed in the envelope.

VII. DETERMINATION OF PRODUCTION AND ACTUAL YIELDS

As soon as the marketing card for a farm is returned, or when a number of cards have been returned, sales records for each such farm shall be examined as follows:

- (1) Determine the number of memoranda that have been removed from the card.
- (2) Determine the number of poundage entries that appear on the inside of the front cover of the card.
- (3) If the numbers determined in accordance with items 1 and 2 above are the same and a visual check shows the pounds on each memorandum agrees with the pounds on the card, add the pounds on the card to obtain the total sales from the farm.
- (4) If the number of sales and pounds sold as shown on the card does not agree with the sales and pounds shown on the memoranda, the farm operator should be required to explain his sales.

After the total sales for a farm have been determined, the following entries shall be made on Tobacco 914:

- (1) In column (9), the total sales (including scrap).
- (2) In column (10), the poundage of tobacco which was produced in 1945 but not marketed.
- (3) In column (11), the total amount of tobacco produced on the farm in 1945 (columns (9) + (10)). If the entry in column (9) includes tobacco produced in a prior year, subtract the

amount of such carry-over tobacco from the entry in column (11) and enter the result immediately above the original entry (draw a line through the original entry).

- (4) In column (12), the actual yield for the farm (column (11) ÷ column (7)).

VIII. CHECKING INDICATED VIOLATIONS

If, for any farm, the actual yield shown in column (12) of Tobacco 914 is materially less than or materially greater than the yield for other farms in the community, the county committee shall take such action as may be necessary to determine if there has been any violation or if any error was made in determining the harvested acreage. If any member of a State, county or community committee or any employee of a State or county committee has reason to believe that the marketing quota regulations have been violated or any error was made in determining the harvested acreage, such committeeman or employee shall immediately report all available information to the county committee and the county committee shall take such action as is necessary to determine if any violation occurred. The county committee may conduct formal hearings in an effort to obtain complete information in all cases involving possible violations or errors. The parties involved and the office of the State committee should be notified of the time and place of any such hearings and at least two members of the county committee shall attend the hearing. A record shall be made of all such hearings in accordance with the appeals procedure.

When the county committee determines that the marketing quota regulations have been violated a detailed report of the violation shall be forwarded immediately to the office of the State committee with the county committee's recommendation as to the action that should be taken.

IX. PREPARATION OF APPLICATIONS FOR REFUND OF EXCESS PENALTIES

If, for any farm, penalty has been paid in excess of the amount due and the operator desires to submit an application for the return of such amount, a detailed statement signed by the operator, and approved by a member of the county committee, setting forth all pertinent facts, shall be submitted to the State office. Such statement should be accompanied by the marketing quota file for the farm.

